

**REMARKS**

The Office Action of October 7, 2005, has been received and reviewed. Claims 129-167 are pending. Claims 129 and 149 have been amended. Reconsideration of the application as amended is requested.

The claims have been rejected on the basis of US Patent No. 805,004 to Cupples. This patent discloses the mounting of a tooth onto a nose that projects forwardly from a bucket. As seen in Figure 3, the nose is defined by upper and lower converging walls d, e, and a pair of sidewalls (not lettered). The sidewalls are planar surfaces that extend between the converging walls. Each of the converging walls include an axial groove h. The tooth is generally a V-shaped member that defines a trough into which the nose is received (see Figures 1 and 6). A rib extends along the surfaces of the trough to be received into the groove h when assembled. Cupples does not disclose the invention as recited in the independent claims 129, 149 and 164.

Claim 129 recites that the nose and the socket are each defined by converging walls and opposite sidewalls. Cupples does not disclose a socket defined by converging walls and sidewalls. The trough that receives the nose is defined only by the converging walls (see Fig. 2 – but not sidewalls. The sides of the socket in Cupples are open.

Further, the rib defined on the Cupples tooth is axially positioned along the converging walls to reduce the stress in the rivets (p. 1, lines 59-74) and strengthen the rear portions g, g' (p. 1, lines 74-79). The rail and groove arrangement of the present invention, however, is formed along the sidewalls of the nose and socket to provide a stability in the mounting of the wear member that is unknown in Cupples. There is nothing in Cupples to

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suggest that (1) sidewalls should be added to the tooth or that (2) the rib and groove arrangement should be moved to such sidewalls with the orientation as recited in claim 129.

Claim 149 similarly recites that (1) the socket in the wear member is defined by converging walls and sidewalls, (2) a groove is formed along one of the sidewalls, and (3) the groove is oriented in the same general inclination as one of the converging walls. As noted above, the Cupples tooth does not even include sidewalls much less the recited structure on the sidewalls.

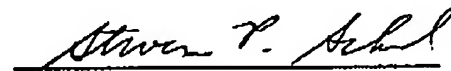
Finally, claim 164 recites a method of attaching a wear member to an excavator. This claim recites providing a nose with converging walls and opposite sides, wherein the sides include rails having the same general inclination as the converging walls. As noted above, the sides of the Cupples nose are planar. There is no rail structure. The claim further recites providing a wear member including a socket having opposite converging surfaces and opposite side surfaces. As noted above, the Cupples tooth does not disclose a socket defined by converging surfaces and side surfaces.

Based on the foregoing reasons, Applicants submit that claims 129-167 should be allowed. A notice to this effect is requested.

Respectfully submitted,

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